

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

Hattie Lowe, et al

PLAINTIFFS

VS.

CIV. AC. No. 4:09CV073-P-S

South Delta Regional Housing Authority
and Ms. A. J. Jefferson

DEFENDANT

Response to Motion to Dismiss

COME NOW plaintiffs in the above-styled matter and file this Response to Defendants' Motion to Dismiss as follows:

1. The allegations of Paragraph No. 1 of the Motion to Dismiss are denied.
2. The allegations of Paragraph No. 2 of the Motion to Dismiss are denied.
3. The allegations of Paragraph No. 3 of the Motion to Dismiss are denied.
4. The allegations of Paragraph No. 4 of the Motion to Dismiss are denied.
Plaintiffs further deny that Miss. Code Ann. § 11-46-11(1) has any applicability to this case.
5. The allegations of Paragraph No. 5 of the Motion to Dismiss are denied. As discussed in Plaintiffs' Reply Brief in Support of its Motion for Preliminary Injunction, this case is not barred by *res judicata*; *Quinn v. HUD and SDRHA, et al*, Cause No. 4:92-cv-0062SO (ND MS 1992) has no applicability to the current case.
6. The allegations of Paragraph No. 6 of the Motion to Dismiss are denied.
7. The allegations of Paragraph No. 7 of the Motion to Dismiss are denied.
8. The allegations of Paragraph No. 8 of the Motion to Dismiss are denied.
9. The allegations of Paragraph No. 9 of the Motion to Dismiss are denied.
10. The allegations of Paragraph No. 10 of the Motion to Dismiss are denied.
11. The allegations of Paragraph No. 11 of the Motion to Dismiss are denied.
12. The allegations of Paragraph No. 12 of the Motion to Dismiss are denied.
13. The allegations of Paragraph No. 13 of the Motion to Dismiss are denied.
14. The allegations of Paragraph No. 14 of the Motion to Dismiss are denied.

15. The allegations of Paragraph No. 15 of the Motion to Dismiss are denied.
16. Plaintiffs admit that this case is an action to enjoin Defendants from enforcing an improper rent increase imposed on Plaintiffs. The remaining allegations of Paragraph No. 16 of the Motion to Dismiss are denied.
17. The allegations of Paragraph No. 17 of the Motion to Dismiss are denied.
18. The requests in the last unnumbered paragraphs of the Motion to Dismiss are denied.
19. Plaintiffs adopt and incorporate by reference herein their Reply Brief in Support of their Motion for Preliminary Injunction, in which the issues raised in the Motion to Dismiss are discussed.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs request that Defendants' Motion to Dismiss be denied.

Respectfully submitted, this ___ day of August, 2009.

HATTIE LOWE, *ET AL*

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COUNSEL FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I, Daniel E. Morris, do hereby certify that I have this day served by electronic filing, a true and correct copy of the above and foregoing Amended Complaint upon counsel of record.

/s/ Daniel E. Morris